



**Terri Kondeff**  
**Director**

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Senators VICK, Johnson, Stennett and,  
Representatives GIBBS, Lickley, Rubel

**FROM:** Katharine Gerrity - Deputy Division Manager

**DATE:** December 02, 2021

**SUBJECT:** Temporary Rule

IDAPA 13.00.00 - Notice of Omnibus Rulemaking Amendment to Temporary Rule - Docket No.  
13-0000-2100

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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Paul Headlee, Deputy Director   Kristin Ford, Manager   Keith Bybee, Manager   April Renfro, Manager   Glenn Harris, Manager  
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## IDAPA 13 – DEPARTMENT OF FISH AND GAME

DOCKET NO. 13-0000-2100

### NOTICE OF OMNIBUS RULEMAKING – AMENDMENT TO TEMPORARY RULE

**EFFECTIVE DATE:** A temporary rule was adopted under this docket number in the July 21, 2021, Idaho Administrative Bulletin, [Vol. 21-7SE, pages 1157 through 1271](#). The effective date of the amendments to the temporary rule is November 22, 2021.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has amended a temporary rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-106, and 36-1101, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for amending the temporary rule and a statement of any change between the text of the temporary rule and text of the amended temporary rule with an explanation for any changes:

Amendments are being made to the following temporary rule chapters:

**IDAPA 13.01.08**, *Rules Governing the Taking of Big Game Animals*; and  
**IDAPA 13.01.10**, *Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife*.

With the detection of Chronic Wasting Disease (CWD) in Idaho in November 2021, rules governing the possession, importation, and transport of deer, elk, or moose carcasses or parts apply to CWD Management Zones (CMZ) designated by the Idaho Fish and Game Commission (IDAPA 13.01.10.301). Before amendment, the temporary rule prohibited the transport of a carcass or any part of a deer, elk, or moose out of a CMZ, with identified exceptions. This amendment clarifies the process of designating a CMZ, and authorizes the Director to modify or establish a CMZ on a temporary basis, subject to Commission review within 90 days. In addition, this amendment clarifies the rule does not apply to domestic cervids regulated under Chapter 37, Title 25, Idaho Code. This amendment clarifies the exception for skull caps consistent with reasonable handling in the field. It also adds an exception for a head or tissue to be transported out of a CMZ provided it is presented to the Department for collection of samples and proper disposal by the Department. This amendment is necessary to facilitate collection of tissue samples to better assess prevalence and distribution of infection. Finally, the amendment states that the Department may seize carcasses or parts that are possessed or transported in violation 13.01.10.301, and that a person in violation of this section may be liable for handling and disposal costs.

There is also a need to modify IDAPA 13.01.08.350. The amendment modifies that section to allow the designation of mandatory report/presentation requirements for portions of carcasses to sample for CWD, and allows for the waiving of evidence of sex/ species requirements. The amendment also makes a clarifying edit regarding transporting lower jaws.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(a), (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule responds to the detection of CWD in Idaho in November 2021 by protecting public health, safety, and welfare and conferring a benefit through establishing rules for ongoing disease management and surveillance.

**FEE SUMMARY:** This rulemaking does not impose a fee or charge.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the amendment to temporary rule, contact Jim Fredericks at (208) 334-3771.

DATED this 22nd day of November, 2021.

Jim Fredericks, Deputy Director  
Idaho Department of Fish and Game  
600 S. Walnut Street  
P.O. Box 25 Boise, ID 83707  
Phone (208) 334-3771  
Fax (208) 334-4885  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)

**THE FOLLOWING IS THE AMENDED TEXT FOR  
TEMPORARY RULE CHAPTERS 13.01.08 and 13.01.10**

**The text of the temporary rule was originally published in the Idaho Administrative Bulletin,  
Volume 21-7SE, July 21, 2021, pages 1157 through 1271.**

**Only those sections that have changed from the original temporary text  
are printed in this Bulletin following this notice.**

**13.01.08 – RULES GOVERNING TAKING OF BIG GAME ANIMALS**

**(BREAK IN CONTINUITY OF SECTIONS)**

**350. IDENTIFICATION OF SEX, SIZE, AND/OR SPECIES IN POSSESSION AND DURING  
TRANSPORTATION OR SHIPMENT.**

**01. Evidence of Sex.** Evidence of sex must be left naturally attached to the carcass of any big game animal until the carcass reaches the final place of storage or consumption or a commercial meat processing facility as follows: (7-1-21)T

**a.** In antlered or male only seasons, the evidence of sex requirement is met when the head, horns, or antlers are left naturally attached to the whole carcass or to a front quarter. If the head, horns, or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter; and the horns or antlers must accompany the carcass while in transit. (7-1-21)T

**b.** In spike elk or two-point (2) deer only seasons, the evidence of sex requirement is met when the head with both complete unaltered antlers are left naturally attached to the whole carcass or to a front quarter. If the head or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter; and both complete unaltered antlers naturally attached to each other must accompany the carcass while in transit. (7-1-21)T

**c.** In antlerless, doe/fawn or female only seasons, if the head is removed from female elk, moose, deer, pronghorn, or bighorn sheep, some other external evidence of sex (either udder or the vulva) must be left naturally attached to the carcass or to a hind quarter. (7-1-21)T

**d.** The entire head of antlerless male elk, moose, deer, or pronghorn, or a male lamb bighorn sheep killed during an antlerless, female, doe/fawn or ewe only season, may be left naturally attached to the carcass or to a front quarter. If the head is removed, some other external evidence of sex (either scrotum, penis, or testicles for males

or udder or vulva for females) must be left naturally attached to the carcass or to a hind quarter; ~~and the lower jaw must accompany the carcass while in transit.~~ (7-1-21)T(11-22-21)T

e. For black bear, grizzly bear, mountain lion, and gray wolf, external evidence of sex (either scrotum, penis or testicles for males, or udder or vulva for females) must be left naturally attached to the hide until the mandatory check has been complied with. (7-1-21)T

02. **Evidence of Species.** In seasons restricted to mule deer only or white-tailed deer only, if the head is removed, the fully-haired tail must be left naturally attached to the carcass. (7-1-21)T

03. **Other.** ~~The Commission may by proclamation~~ Proclamation or emergency hunt order may designate seasons and areas in which ~~the head or lower jaw portions of a carcass~~ must ~~accompany the carcass in transit~~ be presented to the Department within a specified timeframe; or waive an evidence requirement of this section. (7-1-21)T(11-22-21)T

**[BREAK IN CONTINUITY OF CHAPTERS]**

**13.01.10 – RULES GOVERNING THE IMPORTATION, POSSESSION, RELEASE, SALE, OR SALVAGE OF WILDLIFE**

**(BREAK IN CONTINUITY OF SECTIONS)**

**301. POSSESSION, IMPORTATION, AND TRANSPORTATION OF CERVID CARCASSES OR PARTS FROM AREAS WITH CHRONIC WASTING DISEASE (CWD) UNLAWFUL.**

**01. Designation of CWD Management Zone.** The Commission may designate a CWD Management Zone where wildlife is subject to increased risk of acquiring CWD based on the presence of CWD-infected animals and information on wildlife movement. The Director may designate a CWD Management Zone on a temporary basis, for a period not to exceed ninety (90) days and subject to Commission review. (11-22-21)T

~~02.~~ **Prohibitions.** It is unlawful to: (7-1-21)T

a. Import into Idaho the carcass or any part of a deer, elk, or moose from another state, province of Canada, or country (other than Canada) with any documented case of CWD; (7-1-21)T

b. Transport the carcass or any part of a deer, elk, or moose out of any CWD Management Zone ~~designated by the Commission~~ to any portion of the state that is not a designated CWD Management Zone; or (7-1-21)T(11-22-21)T

c. Possess the carcass or any part of a deer, elk, or moose that: has been imported from another state, province or country (other than Canada) with a documented case of CWD; or transported out of any CWD Management Zone ~~designated by the Commission~~ to any part of the state that is not a designated CWD Management Zone. (7-1-21)T(11-22-21)T

~~023.~~ **Exceptions.** This section does not apply to the ~~following animal parts:~~ (7-1-21)T(11-22-21)T

a. Domestic cervids regulated under Chapter 37, Title 25, Idaho Code; (11-22-21)T

~~a~~b. Meat that is cut and wrapped; (7-1-21)T

~~b~~c. Quarters or deboned meat that does not include brain or spinal tissue; (7-1-21)T

- ~~ed.~~ Edible organs, ~~that do not include~~ ~~excluding~~ brains; ~~(7-1-21)F~~(11-22-21)T
- ~~de.~~ Hides without heads; (7-1-21)T
- ~~ef.~~ Upper canine teeth (ivories, ~~buglers, or whistlers~~); ~~(7-1-21)F~~(11-22-21)T
- ~~fg.~~ Finished taxidermy; (7-1-21)T
- ~~gh.~~ Dried antlers; ~~or~~ ~~(7-1-21)F~~(11-22-21)T
- ~~hj.~~ Cleaned and dried skulls or skull caps; ~~i.~~ Skull caps that do not include brain or spinal tissue; or (11-22-21)T
- ~~k.~~ A head or tissue from a CWD Management Zone, provided it is presented to the Department for sampling purposes, with the Department to keep possession for appropriate tissue disposal. (11-22-21)T
04. Disposal of Carcasses or Parts in Violation. The Department may seize carcasses or parts imported, transported, or possessed in violation of this section, with a person in violation of this section responsible for handling and disposal costs, as authorized under Chapters 34 and 53, Title 19, Idaho Code. (11-22-21)T